

Message

From: Burdett, Cheryl [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E8F84378969242DBA5EB260C1CC89FB8-CBURDETT]
Sent: 6/1/2017 6:04:09 PM
To: Atkinson, Benjamin [atkinson.ben@epa.gov]
Subject: FW: update on info. request

FYI- Cheryl

From: Baeten, Joseph B - DNR [mailto:Joseph.Baeten@wisconsin.gov]
Sent: Tuesday, May 30, 2017 2:02 PM
To: Burdett, Cheryl <burdett.cheryl@epa.gov>; Atkinson, Benjamin <atkinson.ben@epa.gov>
Cc: Jones, Casey L - DNR <Casey.Jones@wisconsin.gov>; Lowndes, MaryAnne - DNR <MaryAnne.Lowndes@wisconsin.gov>; Bauman, Thomas S - DNR <Thomas.Bauman@wisconsin.gov>
Subject: RE: update on info. request

Hi Cheryl:

I will work on digging up the files for CSD and getting them over to you.

As for the missing information below it would be best if the conference call between you and Ben and the DNR would be with me rather than Casey. I oversee this part of our program so I can address your questions and concerns. I will still try to get Casey on the call. I am available most of this week to talk; what time works best for you and Ben? I will set up a conference line once we have a date and time.

Thanks,

Joe

Joseph B. Baeten
Phone: (920) 662-5191
Joseph.Baeten@Wisconsin.gov

From: Burdett, Cheryl [mailto:burdett.cheryl@epa.gov]
Sent: Tuesday, May 30, 2017 11:23 AM
To: Baeten, Joseph B - DNR
Subject: FW: update on info. request

Hi Joe:

Below is a table of some or all information that has been missing in the Annual Spreading Reports and /or NMPs?

Also could you send me the Annual Spreading Report for 2015 and 2014 for CSD.

Thank you.

Cheryl Burdett

From: Bahr, Ryan

Sent: Tuesday, May 30, 2017 8:36 AM

To: Schwer, Don <Schwer.Don@epa.gov>; Burdett, Cheryl <burdett.cheryl@epa.gov>

Cc: Thompson, Robert <thompson.robert1@epa.gov>

Subject: RE: update on info. request

I think that we need to have a call with WDNR to explain.

Which of the 10 things are not being reported in the SnapPlus Sorted by Crop(green Highlights)?

| | 40 C.F.R. 122.42 (e)(4)(viii) requires that an annual report must contain (For Each Field for 12 month crop year.) | Included in Form 3200-123? | Currently being reported in <i>SnapPlus Sorted by Crop</i> ? | Explanation |
|---|---|----------------------------|--|-------------|
| | | | | |
| 1 | The actual crop(s) planted in each field. | ? | ? | ? |
| 2 | Actual yield(s) for each field.. | ? | ? | ? |
| 3 | Actual nitrogen content of the manure, litter, and <u>process wastewater</u> applied to each field during each application during the previous 12 months. | ? | ? | ? |
| 4 | Actual phosphorus content of the manure, litter, and <u>process wastewater</u> applied to each field during each application the previous 12 months. | ? | ? | ? |
| 5 | The amount of manure, litter, and <u>process wastewater</u> applied to each | ? | ? | ? |

| | | | | |
|----|--|---|---|---|
| | field during the previous 12 months. | | | |
| 6 | The results of calculations conducted in accordance with paragraph (e)(5)(i)(B) of this section. | ? | ? | ? |
| 7 | The results of calculations conducted in accordance with paragraph (e)(5)(ii)(D) of this section. | ? | ? | ? |
| 8 | The results of any soil testing for nitrogen and phosphorus taken during the preceding 12 months(for any CAFO that implements a nutrient management plan that addresses rates of application in accordance with paragraph (e)(5)(ii) of this section). | ? | ? | ? |
| 9 | The data used in calculations conducted in accordance with paragraph (e)(5)(ii)(D) of this section | ? | ? | ? |
| 10 | The amount of any supplemental fertilizer applied during the previous 12 months. | ? | ? | ? |
| | | | | |
| | | | | |

From: Schwer, Don

Sent: Thursday, May 25, 2017 1:23 PM

To: Bahr, Ryan <bahr.ryan@epa.gov>; Burdett, Cheryl <burdett.cheryl@epa.gov>

Cc: Thompson, Robert <thompson.robertl@epa.gov>

Subject: FW: update on info. request

Hi,

How do you think I should deal with this? Just site the CAFO for not submitting Form 3200-123 in the Inspection Report? Form 3200-123 is the annual spread report http://dnr.wi.gov/topic/AgBusiness/documents/CAFO_3200-123_Annual_Spread_Report-2005.xls.

I don't want to get into an argument over equivalent forms with the producer at this time. However, what I can see is that the "SnapPlus Sorted by Crop" form (see attached) is a plan form and not actual application data. Mr. Holtz at WDNR state that they do not require the CAFOs to submit form 3200-123 in an annual report even though the permit and NR 243 clearly specify that it is required. I believe WDNR is confusing and combining planning documentation vs. compliance documentation; I don't even know how they assess for compliance if they don't require submittal of the form. Not requiring submittal of 3200-123, or department approved equivalent, is the functional equivalent of not requiring someone to submit a certified discharge monitoring report (DMR).

40 C.F.R. 122.42 (e)(4)(viii) clearly states that an annual report must contain "The actual crop(s) planted and actual yield(s) for each field, the actual nitrogen and phosphorus content of the manure, litter, and process wastewater, the results of calculations conducted in accordance with paragraphs (e)(5)(i)(B) and (e)(5)(ii)(D) of this section, and the amount of manure, litter, and process wastewater applied to each field during the previous 12 months; and, for any CAFO that implements a nutrient management plan that addresses rates of application in accordance with paragraph (e)(5)(ii) of this section, the results of any soil testing for nitrogen and phosphorus taken during the preceding 12 months, the data used in calculations conducted in accordance with paragraph (e)(5)(ii)(D) of this section, and the amount of any supplemental fertilizer applied during the previous 12 months."

Thanks,

Donald R. Schwer III
Agricultural Engineer
Environmental Protection Agency
Water Division, Water Enforcement and Compliance Assurance

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Chicago, IL 60604 Email: schwer.don@epa.gov

From: Jeremy Heim [<mailto:jeremy@heimshillcrest.com>]
Sent: Wednesday, May 24, 2017 9:55 AM
To: Schwer, Don <Schwer.Don@epa.gov>
Cc: Holtz, Bradley P - DNR <Bradley.Holtz@wisconsin.gov>; 'Jake Geiger' <jgeig325@gmail.com>
Subject: update on info. request

Don,

My permit states Form 3200-123 **or equivalents**. One equivalent form is *SnapPlus Sorted by Crop*. This form includes the following data: Field ID, slope, previous credit, soil test P & K, total nutrients applied, method of application, manure source, manure application rate, and crop nutrient recommendations.

My daily spreading log has application dates, actual rates, application method, soil conditions and temperature.

The *SnapPlus 590 Assessment* has data about critical soil type, soil loss (rotational average "T"), phosphorus index (PI), distances to water, slope, crop rotations and tillage and rotational phosphorus balance for each field.

All of this information is required to be submitted as part of my *Annual Nutrient Management* update due March 31st of each year.

The DNR provides the flexibility to meet the conditions of my permit.

Thanks

Jeremy Heim